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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of — Atty. Docket

RENATE M. SOMBROEK ET AL. — PHN 14,491A

Serial No. 08/704,400 — Group Art Unit 2415

Filed: 08/27/97 — Examiner J. BRIER

Title: SPEED ADAPTIVE POSITIONING OF CURSOR IN CD-I

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Enclosed is an original plus two copies of an Appeal Brief in the above-identified patent application.

Please charge the fee of $300.00 to Deposit Account No. 14-1270.

Respectfully submitted,

By Edward Blocker for Reg No. 30,245
Michael E. Marion, Reg. 32,266
Attorney
(914) 333-9641

CERTIFICATE OF MAILING

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On April 20, 1998
(Date of Mailing)

By Edward Blocker
(Signature)

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APPEAL BRIEF

Sir:

Appellants herewith respectfully present their Brief on Appeal as follows:

1) REAL PARTY IN INTEREST

The real party in interest is the Assignee, U.S. Philips Corporation (a Delaware Corporation), having an office and place of business at 100 East 42nd Street, New York, NY 10017.

2) RELATED APPEALS AND INTERFERENCES

Appellants and his undersigned attorney are not aware of any other appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's Decision in the above-captioned Appeal.

3) STATUS OF THE CLAIMS

Claims 1 and 3-11 are pending in the application. Claims 1 and 3-11 stand finally rejected under 35 U.S.C. §103(a).

4) STATUS OF THE AMENDMENTS

An amendment under 37 C.F.R. §1.116 was filed 01/20/98, with a request for reconsideration of the final rejection. Amendments to the claims have not been submitted.

5) SUMMARY OF THE INVENTION

The claimed invention concerns a data processing system (100) that comprises a display (102) and cursor control means (110) connected to the display for displacement of a cursor (108) represented on the display. The system further comprises user-interface means (106), having a manually operable data input device (spec., page 4, lines 12-13) coupled to the cursor control means for user manipulation of the cursor via the cursor control means. The input device controls the cursor control means by transmitting low speed data, effecting a relatively low cursor speed, to the cursor control means during a predetermined time interval, and by transmitting high speed data, effecting a relatively high cursor speed, to the cursor control means after the predetermined time interval has elapsed. The cursor control means displaces the cursor at the relatively low speed relative to the display during the predetermined time interval upon activation of the input device and displaces the cursor at the relatively high speed after the predetermined time interval has elapsed (Fig.2).

The claimed invention also relates to user-interface means for use in such a system.

Quick and accurate positioning of the cursor is thus attained in a simple and ergonomic manner by a relatively high-speed approach of the destination area for the cursor, releasing the user-interface and thereupon activating the user-interface again to start the predetermined time interval during which the cursor homes

in on the destination area with a relatively low speed (spec., p.2, lines 20-24; p.4, lines 23-27).

6) ISSUES

Whether claims 1 and 3-11 are patentable over Kato (Japanese Patent application publication 1-200285) and Takahashi (U.S. Patent 5,153,571) under 35 U.S.C. §103(a).

7) GROUPING OF CLAIMS

The claims should be considered in two separate groups:

Group I includes claims 1, 3-7 and 9, all of which specify a data processing system.

Group II includes claims 8, 10 and 11, all of which specify user-interface means for use in the data processing system.

8) ARGUMENTS

Brief descriptions of the Kato and Takahashi references are given below. Then arguments are given to demonstrate patentability of claims 1 and 3-11 that stand finally rejected under 35 U.S.C. §103(a).

KATO

Kato discloses cursor control via a key on a keyboard and moving a cursor for a long distance in a short time by providing software which increases the moving speed of a cursor. Continuously depressing a key of the keyboard for a prescribed time period or longer increases the cursor speed. This feature is controlled in application software for the keyboard.

TAKAHASHI

Takahashi relates to a mouse (1) and a computer interconnected through an input unit (Fig.1) The mouse has a signal generator circuit (2) that supplies a fixed number of pulse signals per amount of mouse movement (col.2, lines 47-53). The computer recognizes the position of the cursor on the screen based on the count number of the pulse signal (col.3, lines 5-7).

By operating a switch, the user can vary the count number of the pulse signals transmitted from the mouse to the computer (col.4, lines 50-53). Thus, the user can adapt the count number, and therefore the count number per amount of mouse movement, to the task envisaged. When selecting many items or when the mouse movement is restricted, the system is set to a high count number per mouse movement. When delicate movements of the cursor are necessary, the system is set to a low count number per mouse movement (col.6, lines 27-45). This solves the problem specified in col.1, lines 41-62.

Takahashi emphasizes the user-friendliness of a mouse over that of a keyboard (col.1, lines 35-46)

Appellants respectfully submit that the rejection under 35 U.S.C. §103(a) is incorrect.

As to the claims of Group I, Kato discloses a combination of a computer, a keyboard and application software. Kato teaches increasing a cursor speed in response to depressing a specific key of a keyboard for a certain period of time or longer. Takahashi discloses a mouse-computer system. Takahashi teaches manually setting the count number according to a certain task the user wants to carry out on the computer (e.g., doing delicate graphics versus selecting many menu options in a clerical task).

Takahashi teaches task-dependent setting of the count number under user control. Takahashi does not teach varying a count number

while carrying out the task, neither manually or automatically. Kato teaches varying cursor speed as a result of keeping a specific key depressed for a certain time period. This is likely to occur within the same task. The Kato reference teaches intra-task varying the cursor speed, whereas Takahashi sets the count number per individual task, i.e., an inter-task varying. Accordingly, the skilled person finds no reason, incentive or suggestion to combine Takahashi's inter-task control with Kato's intra-task control.

Kato teaches keyboard software automatically controlling the cursor speed upon the user depressing a specific key. Takahashi teaches manually setting the count number. The skilled person has no clue how Kato's software should be combined with Takahashi's manual mouse operation in order to create the invention in Appellants' application.

Kato does not teach sending high speed data and low speed data from the user-interface means. Takahashi does not send high speed data or low speed data. Takahashi teaches scaling the count number. The computer in Takahashi recognizes the position of the cursor on the screen based on the count number of the pulse signal. There is no identification in Takahashi's signal sent to the computer as to whether the mouse is in the high speed mode or low speed mode. In the invention, however, high speed data or low speed data are being sent from the input device to the computer. In order to clarify this point, the input device comprises, in the preferred embodiment, a maneuvering device, e.g., a joystick (page 4, lines 11-14). The input device comprises a processor 306 that has calculation means to translate timer contents into speed and direction of the cursor. The timer contents is representative of the force applied to the joystick in a certain direction (page 7, lines 24-31). Accordingly, even if the Takahashi and Kato

references were combined, the combination would neither teach nor suggest the sending of high speed data and low speed data.

As to the claims of Group II, Kato uses a conventional keyboard, the software application running on another device taking care of the cursor control. Takahashi uses a mouse that has on-board circuitry that scales, under user control, the count number supplied to a computer for cursor control. Takahashi points out the user-friendliness of mouse over keyboard. Kato relates to a keyboard. The skilled person would therefore not contemplate combining the Kato and Takahashi references since Takahashi points away from keyboards. Takahashi leads away from keyboards, thus preventing the skilled person from combining the Kato and Takahashi references.

Takahashi teaches manual inter-task varying of the count number. Kato teaches software control of cursor speed in an intra-task mode. The references address different objectives and should therefore not be combined by the skilled person.

Takahashi teaches a mouse sending count numbers that can be scaled by the user. The cursor position is determined by the count numbers. Kato does not send cursor position data to the computer, but controls cursor position through a software application under control of specific keys being depressed on the keyboard. The skilled person finds neither teaching, suggestion of incentive as to how to combine the software of Kato with the count number scaling of Takahashi's mouse.

Kato does not send speed related data from the keyboard to the computer. Takahashi scales a count number, thus modifying a ratio of counts per amount of mouse movement. Accordingly, even if the references were combined, neither reference comprises any teaching of sending high speed data and low speed data from the input device to the computer.

Appellant respectfully submits that the rejection of claims 1 and 3-11 is incorrect. The rejection should be reversed and the claims should be allowed.

Please charge any fees other than the issue fee to deposit account 14-1270. Please credit any overpayments to the same account.

Respectfully submitted,

By Edward Boeker for Reg No 30245
Michael E. Marion, Reg. 32,266
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On April 20, 1998

By Edward Boeker

APPENDIX

1. A data processing system being comprised of:

a display;

a cursor control means connected to the display for displacement of a cursor represented on the display; and

a user-interface means, having a manually operable data input device coupled to the cursor control means for user manipulation of the cursor via the cursor control means, the manually operable data input device being operative to control the cursor control means by transmitting low speed data, effecting a relatively low cursor speed, to the cursor control means during a predetermined time interval, and by transmitting high speed data, effecting a relatively high cursor speed, to the cursor control means after the predetermined time interval has elapsed;

wherein the cursor control means is operative to displace the cursor at the relatively low speed relative to the display during the predetermined time interval upon activation of the manually operable data input device and to displace the cursor at the relatively high speed after the predetermined time interval has elapsed.

3. The system of claim 1, wherein data transmission from the user-interface to the cursor control means involves a temporal basis in terms of repetitive events, and wherein the cursor control

means or the user-interface is operative to measure the predetermined time interval in terms of a number of the events.

4. The system of claim 3, wherein a respective one of the repetitive events involves is a respective update of a cursor position, and wherein the relatively low speed is effected by a relatively short displacement of the cursor per update, and wherein the relatively high speed is effected by a relatively large displacement of the cursor per update.

5. The system of claim 1, wherein the user-interface means is operative to render at least the relatively low speed or the relatively high speed variable in response to the user manipulating the user-interface.

6. The system of claim 3, wherein the cursor control means or the user-interface means is provided with a resettable counting means to count the number of events elapsed since the user-interface was last activated.

7. The system of claim 1, comprising a CD-I system.

8. A user-interface means suitable for use in the system of claim 1.

9. The system of claim 3, comprising a CD-I system.

10. A user-interface means suitable for use in the system of claim 5.

11. A user-interface means suitable for use in the system of claim 6.